

Mr. Buchanan to Mr. Trist.—Extract.

[No. 3.]

DEPARTMENT OF STATE,
Washington, July 13, 1847.

SIR:

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According to the suggestion in your despatch No. 6, you are authorized to modify the boundary contained in your instructions, so as to make it read, "up the middle of the Rio Grande to the thirty-second degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence northward along the western line of New Mexico," &c., &c., &c. This modification, which would embrace the Paso del Norte within the limits of the United States, is deemed important: still you are not to consider it as a *sine qua non*, nor suffer it to delay the conclusion of a treaty.

I would suggest another and more important modification of the line; and this is, to run it along the thirty-second parallel of north latitude from the Rio Grande to the middle of the gulf of California, and thence down the middle of the gulf to the Pacific ocean; or, if this cannot be obtained, to run it due west from the southwest angle of New Mexico to the middle of the gulf. Either of these lines would include within our limits the whole course of the Gila. From information derived from Major Emory, the valley of that river presents a favorable route for a railroad to the Pacific; but this would sometimes pass on the one side and sometimes on the other of the bed of the stream. For this reason it is deemed important that the whole valley of that river should be included within the boundary of the United States. You are, therefore, authorized and instructed to make the first, or if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of a treaty.

In case Lower California cannot be obtained, then the line might be run on the parallel of thirty-two degrees, or due west from the southwest corner of New Mexico to the Pacific ocean. If the latter line should be adopted, care must be taken that San Miguel shall be included within our limits.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.,
&c., &c., &c.

Mr. Buchanan to Mr. Trist.—Extract.

[No. 4.]

DEPARTMENT OF STATE,
Washington, July 19, 1847.

SIR: I enclose you a duplicate of my despatch No. 3, of the 13th instant.

The more I reflect upon the subject, the better am I convinced of the importance of running the boundary line between the Rio Grande and the gulf of California, along the thirty-second parallel of north latitude. We cannot learn that the boundaries of New Mexico have ever been authoritatively and specifically determined; and difficulties might hereafter arise between the two governments in ascertaining where the southwestern angle of New Mexico is situated. A conversation with Major Emory since the date of my last despatch, has convinced me still more of the importance of this modification.

You will, therefore, in the copy of the projet of a treaty which you are instructed to present to the Mexican plenipotentiary, if this be not too late, substitute the following, instead of the 4th article:

ARTICLE 4.—The boundary line between the two republics shall commence in the gulf of Mexico three leagues from the land, opposite the mouth of the Rio Grande; from thence up the middle of that river to the thirty-second parallel of north latitude; from thence due west along this parallel of latitude to the middle of the gulf of California; thence down the middle of the same to the Pacific ocean.

It is not intended that you shall make the parallel of 32°, instead of the river Gila, a *sine qua non*; but yet it is deemed of great importance that you should obtain this modification, if it be practicable.

If Lower California cannot be obtained, then the line on the parallel of 32° might be extended to the Pacific ocean; taking care, in that event, to secure to our citizens, in accordance with your original instructions, "in all time to come, a free and uninterrupted access to and from the ocean through the gulf of California, from and to their possessions north of the said division line."

Major Emory, whilst in California, has accurately ascertained the latitude of two important points in that country. The latitude of the town of San Diego is 32° 44' 59'. The harbor is some miles south of the town. The latitude of the mouth of the Gila where it empties into the Colorado, is 32° 43'.

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To N. P. TRIST, esq., &c., &c., &c.

Mr. Buchanan to Mr. Trist.

[No. 5.]

DEPARTMENT OF STATE,
Washington, October 6, 1847.

SIR: On the 2d instant there was received at this department, from Vera Cruz, a printed document in Spanish, consisting of eight quarto pages, and entitled "Contestaciones habedadas entre el Supremo Gobierno Mexicano, el General en Gefe del ejercito Americano, y el Comisionado de los Estados Unidos. This purports to give a history in detail of the origin, progress, and unsuccessful termination of your negotiations with the Mexican commissioners.

The counter projet of the Mexican government is, indeed, under all the circumstances, a most extraordinary document. Its extravagance proves conclusively that they were insincere in appointing commissioners to treat for peace, and that the armistice and subsequent negotiations were intended merely to gain time. They must have known that the government of the United States never would surrender either the territory between the Nueces and the Rio Grande, or New Mexico, or any portion of Upper California; never would indemnify Mexican citizens for injuries they may have sustained by our troops in the prosecution of the present just and necessary war; and never could, without dishonor, suffer the Mexican government to levy new duties upon goods imported into ports now in our actual possession which had already paid duties to the United States. To propose such terms was a mere mockery. And here I ought to observe, in justice to yourself, that we do not believe there is any truth in the assertion of the Mexican commissioners, that you had proposed (if the other terms of the treaty were made satisfactory) to refer to your government, "with some hope of a good result," the question of surrendering to Mexico that portion of the sovereign State of Texas between the Nueces and the Rio Grande, or any part of Upper California.

Your original instructions were framed in the spirit of forbearance and moderation. It was hoped, that after the surrender of Vera Cruz and the castle of San Juan d'Ulloa, the Mexican government would be willing to listen to the counsels of peace. The terms, therefore, to which you were authorized to accede, were of the most liberal character, considering our just claims on Mexico and our success in the war. New Mexico, the Californias, several of the northern States, and most of the important ports of Mexico, were then in our possession; and yet we were at that time willing freely to surrender most of these conquests, and even to make an ample compensation for those which we retained.

Circumstances have entirely changed since the date of your original instructions. A vast amount of treasure has since been expended; and, what is of infinitely more value, the lives of a great number of our most valuable citizens have been sacrificed in the prosecution of the war.

In the annals of history never has there been a war conducted in the same manner by invading forces. Instead of levying military contributions for the support of our armies in the heart of our enemy's country, we have paid fair, and even extravagant prices, for all the supplies which we have received. We have not only held sacred the private property of the Mexicans, but on several occasions have fed their famishing soldiers, and bound up their wounds. And what has been the return? Treachery and cruelty have done their worst against us. Our citizens have been murdered, and their dead bodies mutilated, in cold blood, by bands of savage and cowardly guerillas; and the parole of honor, sacred in all civilized warfare, has been habitually forfeited by Mexican officers and soldiers. Those paroled at Vera Cruz have fought against us at Cerro Gordo; and those paroled at Cerro Gordo have doubtless been in

the ranks of the enemy in the battles so glorious to our arms at and near the city of Mexico.

After the battle of Cerro Gordo, the President entertained serious thoughts of modifying your instructions, at least so far as greatly to reduce the maximum sums which you were authorized to pay for portions of the Mexican territory; but, wishing to afford to the world an example of continued moderation and forbearance in the midst of victory, he suffered them to remain unchanged. And what has been the consequence?

After a series of brilliant victories, when our troops were at the gates of the capital, and it was completely in our power, the Mexican government have not only rejected your liberal offers, but have insulted our country by proposing terms the acceptance of which would degrade us in the eyes of the world, and be justly condemned by the whole American people. They must attribute our liberality to fear, or they must take courage from our supposed political divisions. Some such cause is necessary to account for their strange infatuation. In this state of affairs, the President, believing that your continued presence with the army can be productive of no good, but may do much harm by encouraging the delusive hopes and false impressions of the Mexicans, has directed me to recall you from your mission, and to instruct you to return to the United States by the first safe opportunity. He has determined not to make another offer to treat with the Mexican government, though he will be always ready to receive and consider their proposals. They must now first sue for peace.

What terms the President may be willing to grant them will depend upon the future events of the war, and the amount of the precious blood of our fellow citizens and the treasure which shall in the mean time have been expended.

Should the Mexican government desire hereafter to open negotiations, or to propose terms of peace, their overtures will be immediately transmitted to Washington by the commanding general, where they will receive the prompt consideration of the President.

Should you have concluded a treaty before this despatch shall reach you, which is not anticipated, you will bring this treaty with you to the United States, for the consideration of the President; but should you, upon its arrival, be actually engaged in negotiations with Mexican commissioners, these must be immediately suspended; but you will inform them that the terms which they may have proposed, or shall propose, will be promptly submitted to the President on your return. You are not to delay your departure, however, awaiting the communication of any terms from these commissioners, for the purpose of bringing them to the United States.

I am, sir, very respectfully, your obedient servant,
JAMES BUCHANAN.

To NICHOLAS P. TRIST, Esq.,
&c., &c., &c.

Mr. Buchanan to Mr. Trist.

[No. 6.]

DEPARTMENT OF STATE,
Washington, October 25, 1847.

SIR: Your despatches, either in original or duplicate, to No. 16 inclusive, with the exception of Nos. 5 and 8, have been received at the department.

From your despatch No. 15, of the 4th September, received on the 21st instant, it appears that you had offered to the Mexican commissioners, that if they would propose to you to establish the boundary between the two republics by a line by which the United States would surrender that portion of the State of Texas between the Rio Grande and the Nueces, and also that portion of Upper California south of the thirty-third parallel of latitude, between the Colorado and the Pacific ocean, you would transmit such a proposition, proceeding from them, to Washington, and would propose to General Scott to continue the then existing armistice until you should receive the answer of your government.

You will have learned from my despatch No. 5, of the 6th inst., that we did not believe there was any truth in the statement of the Mexican commissioners that you had made such a proposal. As this fact is now placed beyond a doubt, the President has instructed me to express to you his profound regret that you should have gone so far beyond the carefully considered ultimatum, to which you were limited by your instructions.

The State of Texas is in the exercise of peaceable and undisturbed jurisdiction over the country between the Nueces and the Rio Grande. She has made extensive grants of land within its limits; divided it into counties, which have been represented in her convention and legislative assemblies; established courts of justice therein; and, in short, has exercised the same sovereign rights over it as over any other portion of her territory.

Congress, acting upon these incontestable facts, as well as upon the clear right of Texas to extend to the Rio Grande, in December, 1845, created a port of delivery west of the Nueces, at Corpus Christi, and in May, 1846, established post routes between these two rivers. This region, also, constitutes a part of one of the congressional districts of Texas, and its people are now represented in the Congress of the United States.

Under these circumstances, the President could not for a single moment entertain the question of surrendering that portion of Texas, even if this were practicable. But such is not the case. Considering the enterprising and energetic character of the American people, it would be impossible to expel by force the inhabitants between the Nueces and the Rio Grande from their possessions, and to convert this territory into a desert, for the security of the Mexican frontier.

The President has also directed me to express his regret that you should have been willing to entertain the question of surrendering any portion of Upper California to Mexico. By running the divi-

sion line from the Colorado to the Pacific, along the thirty-third parallel of latitude, the bay and harbor of San Diego would be restored to the Mexican republic. This port, being nearly five degrees further south, is, for every commercial purpose, of nearly equal importance to the United States with that of San Francisco. It was to secure to us the bay and harbor of San Diego beyond all question, and to prevent the Mexican government from hereafter contesting the correctness of the division line between Upper and Lower California, as delineated on the map which you carried with you, that your original instructions directed that if you could not obtain Lower California, the fourth article of the projet should in terms fix this line as running "north of the parallel of 32°, and south of San Miguel, to the Pacific ocean."

To have arrested our victorious army at the gates of the capital for forty or fifty days, and thus to have afforded the Mexicans an opportunity to recover from their panic, to embody their scattered forces, and to prepare for further resistance, in order that in the meantime you might refer such proposals to your government, would, in the President's opinion, have been truly unfortunate.

With these considerations in view, the President has directed me to reiterate your recall.

The date of the last despatch received at the War Department from General Scott is the 4th June. The President is now becoming apprehensive that he may not receive despatches from him before the meeting of Congress.

I transmit herewith a copy, in triplicate, of my despatch No. 5.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.,
&c., &c., &c.

Mr. De la Rosa to Mr. Trist.

[Translation.]

QUERÉTARO, October 31, 1847.

The undersigned, minister of foreign relations of the Mexican republic, has had the honor to receive the note under date the 20th ultimo,* addressed to him by his excellency Nicholas Trist, commissioner of the United States of America, clothed with full powers to conclude a treaty of peace with the said republic. The undersigned has received, also, the note of his excellency Mr. Trist, in reply to that addressed to him under date the 6th September† by their excellencies the commissioners, on the part of Mexico, for negotiating a peace.

* This note has not been received at the Department of State.

† A copy of this note has been communicated to the Senate in legislative session.

Although the two documents referred to leave but little hope that peace may be re-established, the undersigned can assure his excellency Mr. Trist that the government of Mexico is animated by the same ardent wish as his excellency for the cessation of a war, the calamities of which now bear heavily upon this republic, and the consequences of which will, sooner or later, make themselves felt by the United States of America. The undersigned will in consequence have the honor, in the course of a few days, to advise his excellency Mr. Trist of the appointment of commissioners to continue the negotiations for peace, to whom will be given instructions for the previous adjustment of an armistice, which the government of the undersigned believes will conduce greatly to the good result of the said negotiation.

The undersigned offers to his excellency Nicholas Trist the assurance of his very distinguished consideration.

LUIS DE LA ROSA.

Mr. Trist to Mr. Buchanan.

[No. 21.]

HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, November 27, 1847.

SIR: I have the honor to acknowledge the receipt, on the 16th instant, by a courier from Vera Cruz, of your despatch of the 25th ultimo, accompanied by the triplicate of that of the 6th of the same month, the original of which was delivered to me on the evening of the next day, by Mr. Smyth, the bearer of despatches. The duplicate has not yet come to hand. It probably forms part of the large mail which, agreeably to the intelligence received here, left Vera Cruz in company with General Patterson, who had stopped at Jalapa.

On a future occasion, perhaps, should I ever find time to employ on a theme so insignificant with respect to the public interests, and so unimportant in my own eyes, so far as regards its bearings upon myself personally, I may exercise the privilege of examining the grounds for the censure cast upon my course by the President, and explaining those upon which rests the belief still entertained by me, that that course was calculated to attain the end contemplated by our government, and was the only one which afforded the slightest possibility of its being attained; the end, I mean, of bringing about a treaty of peace on the basis, in all material respects, of the project entrusted to me. For the present I will merely call attention to the fact, that a mere offer to refer a question to my government constitutes the only ground on which I can be charged with having "gone so far beyond the carefully considered ultimatum to which I was limited by my instructions." Whether this offer, under the circumstances and prospects of the crisis when it was made, was wise or unwise—I mean with reference to the end desired by our government—is a question which no longer possesses any practical importance; though the time was, when it constituted with me a sub-

ject of the most careful and the most anxious deliberation; not because of the personal responsibility attaching to the decision in which that deliberation resulted—for that never occupied my mind for an instant—but because I knew, and I felt, that upon my own decision depended, according to every human probability, the early cessation of the war, or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on safe ground so far as I was personally concerned, and destroy the only possible chance for a peace; on the other hand, to assume responsibility, and keep that chance alive, with some prospect, at least—and, all things considered, as perhaps I may hereafter take the trouble to show, by no means a prospect to be despised, under such circumstances—that the adoption of our projet might come to pass.

Upon perusing your two despatches above referred to, my first thought was immediately to address a note to the Mexican government, advising them of the inutility of pursuing their intention to appoint commissioners to meet me. On reflection, however, the depressing influence which this would exercise upon the peace party, and the exhilaration which it would produce among the opposition, being perfectly manifest, I determined to postpone making this communication officially, and meanwhile privately to advise the leading men of the party here, and at Queretaro, of the instructions which I had received. Their spirits had, for the last few days been very much raised by the course of events at Queretaro; and one of them (the second of the two heads mentioned in a late despatch) called on me on the very day after your despatches came to hand, for the purpose of communicating the "good news," and making known "the brightening prospects." Upon my saying that it was all too late, and telling what instructions I had received, his countenance fell, and flat despair succeeded to the cheeriness with which he had accosted me. The same depression has been evinced by every one of them that I have conversed with, whilst joy has been the effect with those of the opposite party who have approached me to inquire into the truth of the newspaper statement from the Union. By both parties the peace men were considered as flooded; this was the *coup de grace* for them.

Mr. Thornton was to set out (as he did) the next morning for Queretaro; and I availed myself of this privately to apprise the members of the government of the state of things, with reference to which their exertions in favor of peace must now be directed, and to exhort them not to give up, as those here had at first seemed strongly disposed to do, and as it was believed here that those at Queretaro would at once do. Fortunately, however, when the news reached there, they had just taken in a strong dose of confidence—the result of the meeting of the governors—which has served to brace them against its stunning effect. Mr. Thornton left here on the 17th, and was to complete his journey on the evening of the 21st. Before he had reached there, I was privately advised here of the appointment of the commissioners named in the official

note from the minister of relations, under date 22d, herein enclosed, together with a copy of my reply to the same, which was despatched from Queretaro on the morning of that day. Their extreme anxiety on the subject may be judged from the fact, that I have received already the same communication in duplicate and triplicate. The peace men did not cease for several days to implore me to remain in the country, at least until Mr. Parrott shall have arrived with the despatches of which report makes him the bearer. To these entreaties, however, I have turned a deaf ear, stating the absolute impossibility that those despatches should bring anything to change my position in the slightest degree. General Scott at once said that he would despatch a train at any time I might name. And I should have set out before this, but for two considerations: one, that the garrison here is already so small that its duties are exceedingly oppressive to both officers and men, and the matter would be made still worse by the detachment of another escort; the other, that General Scott

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 For these reasons I have determined to postpone my departure until the return of the train under Lieutenant Colonel Johnson, which is expected on the 4th or 5th of next month. Should it be delayed beyond that time, and should any reinforcements have arrived here or be near, I will set out immediately after. It will take us twelve days at least to reach Vera Cruz.

I recommend to the peace men to send immediately, through General Scott, whatever propositions they may have to make, or to despatch one or more commissioners with me. After full conversations on the subject, however, I became thoroughly satisfied of the impracticability of either plan: it would, to a certainty, have the effect of breaking them down. The only possible way in which a treaty can be made is, to have the work done on the spot; negotiation and ratification to take place at one dash. The complexion of the new Congress, which is to meet at Queretaro on the 8th of January, is highly favorable. This will be the last chance for a treaty. I would recommend, therefore, the immediate appointment of a commissioner on our part.

I am, sir, in great haste, and very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN, *Secretary of State.*

Mr. Peña y Peña to Mr. Trist.

[Translation.]

QUERETARO, *November 22, 1847.*

The undersigned, minister of relations of the Mexican government, has the honor to address the present note to his excellency

Don Nicholas Trist, commissioner of the United States of the north, and to acquaint his excellency that the provisional government of the president of the supreme court of justice of Mexico being ended, by the election of General Don Pedro Maria Annaya as President of the republic *ad interim*, and his excellency having appointed the undersigned the head of this department of relations, the new President at once began to inform himself respecting the last discussions which took place between his excellency Mr. Trist and this department.

Seeing in them the ardent desire which his excellency states he entertains to cause an end to be put to the calamities of the war which unfortunately severs both republics, and that for this purpose the appointment of commissioners on the part of Mexico was pending, which appointment the president of the supreme court of justice did not make on account of the temporary character of his government, the present President has decided to choose anew the same two gentlemen who had already been appointed—Don Bernardo Conto and Don Miguel Atristain; and Don Jose Joaquin Herrera and Don Ignacio Mora y Villamil not having it in their power to continue upon the commission—the first in consequence of being seriously ill, and the second in consequence of being appointed minister of war—Don Manuel Rincon and Don Luis Gonzaga Cuevas have been appointed instead of those two individuals, and have been duly informed thereof by the undersigned.

But as those gentlemen are in different parts of the republic, although not very far from this city, they have been requested to repair hither forthwith, to receive their appropriate instructions; and, when received, they will communicate with his excellency Mr. Trist, in order that, upon proper conditions, the conferences which remain pending may be continued, and may lead to the happy result of an honorable and useful peace.

The undersigned sincerely unites his desires to those of his excellency Mr. Trist, that the powers conferred may not be vain or useless; and, with that view, he has the satisfaction of offering to his excellency the assurances of his very distinguished consideration.

MANUEL DE LA PEÑA Y PEÑA.

Mr. Trist to Mr. Peña y Peña.

MEXICO, *November 24, 1847.*

The undersigned has the honor to acknowledge the receipt of the note, under date the 22d instant, of his excellency Don Manuel de la Peña y Peña, minister of relations of the Mexican government, acquainting him of the appointment of the commissioners therein named, to negotiate for the restoration of peace. The undersigned regrets to say, in reply, that the powers conferred upon him for that purpose have been revoked, and that, agreeably to the instruc-